

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 15-0422V
Filed: July 30, 2015
Unpublished

KATELYN ROACH, *
*
Petitioner, * Ruling on Entitlement; Concession;
* Tetanus, Diphtheria, and Acellular
v. * Pertussis ("Tdap") Vaccine; Shoulder
* Injury Related to Vaccine Administration
* ("SIRVA"); Special Processing Unit
SECRETARY OF HEALTH * ("SPU")
AND HUMAN SERVICES, *
*
Respondent. *

*Andrew Downing, Van Cott & Talamante, PLLC, Phoenix, AZ, for petitioner.
Debra Begley, U.S. Department of Justice, Washington, DC, for respondent.*

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On April 27, 2015, Katelyn Roach filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² [the "Vaccine Act" or "Program"]. The petition alleges that as a result of a tetanus, diphtheria, and acellular pertussis ("Tdap") vaccination on October 14, 2014, petitioner suffered a shoulder injury related to vaccine administration ("SIRVA"). Petition at 1. The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On July 30, 2015, respondent filed her Rule 4(c) Report ["Res. Report"], in which she concedes that petitioner is entitled to compensation in this case. Resp. Report at 4.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, it will be posted on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Specifically, respondent “believes that the alleged injury is consistent with SIRVA that was caused by the administration of petitioner’s Tdap vaccination.” *Id.* Additionally, based on the evidence of record, petitioner satisfied all legal prerequisites and other requirements for compensation under the Vaccine Act. *Id.*

In view of respondent’s concession and the evidence before me, I find that petitioner is entitled to compensation.

s/Denise K. Vowell

Denise K. Vowell
Chief Special Master